

Amendment No. 1 to HB0428

Curcio  
Signature of Sponsor

**AMEND Senate Bill No. 1117**

**House Bill No. 428\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-531, is amended by deleting subsection (b) and substituting:

(b) Aggravated rape of a child is a Class A felony and shall be punished as follows:

(1) If the defendant was a juvenile at the time of the commission of the offense, then the sentence must be from within Range III, as set forth in title 40, chapter 35; and

(2) If the defendant was an adult at the time of the commission of the offense, then the sentencing provisions of title 40, chapter 35, apply except:

(A) A sentencing hearing shall not be conducted as required by § 40-35-209; and

(B) After a defendant is found guilty of aggravated rape of a child, the judge shall sentence the defendant to imprisonment for life without the possibility of parole.

SECTION 2. Tennessee Code Annotated, Section 40-35-501(i)(2), is amended by adding the following new subdivision:

(L) Aggravated rape of a child, if the defendant was a juvenile at the time of the commission of the offense;

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it, and applies to sentences imposed on or after that date.